

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
File No. 5:16-cv-640-BO

NOW COMES the Defendant Wake County and answers the complaint of the Plaintiff as follows:

FIRST DEFENSE - MOTION TO DISMISS
FAILURE TO STATE A CLAIM

For and as a first defense, defendants move the court to dismiss this action in that plaintiff's complaint fails to state a claim upon which relief may be granted and should be dismissed pursuant to Fed.R.Civ.P. 12(b)(6) for the reasons more particularly set forth in the motion to dismiss and memorandum in support thereof filed contemporaneously with this answer.

SECOND DEFENSE

For and as a second defense, defendants allege that plaintiff was terminated for a legitimate, non-discriminatory reason unrelated to any assertion of rights under Title VII and that defendant would have discharged plaintiff in the absence of any asserted claim of rights under Title VII.

THIRD DEFENSE-
ANSWER TO COMPLAINT

For and as a third defense, without waiving the above defenses or any other defense at law, the Defendant answers the specific allegations of the Complaint as follows [subtitles contained in the Complaint are included as they appear for reference only and are not admitted as true for any purpose] :

I. PARTIES

1. Admitted upon information and belief.
2. Admitted.

II. JURISDICTION AND VENUE

3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

III. FACTS

7. Admitted.
8. Admitted.
9. Answering the allegations contained in paragraph 9 of Plaintiff's Complaint, it is admitted that in April 2015, Plaintiff met with Tracy Lassiter and Dena Hansley and the Plaintiff informed them he had been called "boy" by a co-worker. The remaining allegations contained in paragraph 9 of Plaintiff's Complaint are denied.

10. Answering the allegations contained in paragraph 10 of Plaintiff's Complaint, it is admitted that Ms. Hansley held a meeting with Plaintiff and his co-workers in April 2015. Plaintiff indicated in his written report on April 15, 2015, that his co-worker, Ms. Tina, not Ms. Hansley, was calling him a "boy" in the meeting. He did mention this to Ms. Hansley, who replied, "but you are a boy." The remaining allegations contained in paragraph 10 of Plaintiff's Complaint are denied.

11. Denied.

12. Admitted.

13. It is denied that Ms. Hansley told Ms. Lassiter she wanted to terminate Plaintiff's employment. The remaining allegations contained in paragraph 13 of Plaintiff's Complaint are denied.

14. Admitted.

15. Admitted that on September 3, 2015, Ms. Hansley presented Plaintiff with a written termination of his employment. Except as herein admitted, all other allegations of paragraph 15 of the Complaint are denied.

16. Admitted that the notice of termination alleged that Plaintiff displayed aggressive behaviors towards another employee on August 31, 2015. Except as herein admitted, all other allegations of paragraph 16 of the Complaint are denied.

17. Denied. After employer's investigation of conducting interviews and written witness accounts, it was substantiated that Plaintiff had engaged in aggressive behaviors.

IV. JURISDICTIONAL ALLEGATIONS

18. Admitted.

19. Admitted.

20. Admitted.

V. CLAIM FOR RELIEF

VIOLATION OF 42 U.S.C. § 2000e-2

21. Defendants incorporate by reference their responses to paragraphs 1 – 21 above as if fully set forth herein.

22. Admitted.

23. Admitted.

24. Admitted that the notice of termination alleged that Plaintiff displayed aggressive behaviors towards another employee on August 31, 2015. Except as herein admitted, all other allegations of paragraph 24 of the Complaint are denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

PRAYER FOR RELIEF

WHEREFORE, the answering Defendant, having fully answered the Complaint of the Plaintiff, prays for the following relief:

1. That the Court dismiss all claims of the Plaintiff as to the Defendant;
2. That the Plaintiff have and recover nothing by way of this Complaint;
3. That all costs of this action, including court costs and reasonable attorney's fees if by law allowed, be taxed to the Plaintiff;
4. For trial by jury on all other issues so triable;
5. For such other and further relief as the Court deems just and proper.

Respectfully submitted this the 30th day of June, 2016.

By: /s/ Jennifer M. Jones

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By: /s/ Roger A. Askew

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
File No. 5:16-cv-640-BO

STEVEN L. SNELLING)
)
Plaintiff,)
)
vs.)
)
WAKE COUNTY,)
)
Defendant.)

CERTIFICATE OF SERVICE ELECTRONICALLY AND VIA U.S. MAIL

I hereby certify that on June 30, 2016, I electronically filed the foregoing ANSWER TO COMPLAINT and, I hereby further certify that I served this document pursuant to Local Civil Rule 5.1(b) upon the plaintiff via US Mail at the address below and I served all registered users of CM/ECF as provided for in Local Civil Rule 5.1(e):

Charles E. Monteith, Jr.
Monteith & Rice, PLLC
309 W. Millbrook Road, Suite 141
Raleigh, NC 27609
Attorney of record for Plaintiff

This the 30th day of June, 2016.

/s/ Jennifer M. Jones
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